



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,080	06/15/2005	Takashi Tsuchida	SHIG CP22JU03SG	9061
27667 7590 04/15/2009 HAYES SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718				
EXAMINER				
HINES, LATOSHIA D				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
04/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,080

Applicant(s)

TSUCHIDA, TAKASHI

Examiner

LATOSHA HINES

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the final Office action based on the 10/539080 application filed on June 15, 2005.
2. The rejection under 35 USC 112, 2nd paragraph is withdrawn in light of the amendments.
3. Claims 1-8 are pending, of which 7-8 are new. New claims 7-8 are supported by the specification as originally filed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over CALLIS (US 2,104,021).

With respect to claim 1 CALLIS discloses a motor fuel containing a hydrocarbon composition and an alcohol. The admixture of the **hydrocarbon** and the alcohol may be facilitated and the mixture stabilized by including in the fuel as a stabilizing agent therefor a saturated **aliphatic ether** containing at least five carbon atoms and an ether miscible **monohydric alcohol** having a higher molecular weight than the alcohol admixed with the hydrocarbon in a quantity sufficient to maintain a homogeneous mixture at sub-zero temperatures (column 1 lines 44-53). The proportion in which the various constituents of the fuel may

be present varies somewhat, when an alcohol in an amount of from 5 to 34% volume, a saturated aliphatic ether in an amount of from 2 to 10% by volume, and a higher aliphatic alcohol in an amount from 2 to 12% by volume were used. A stabilized fuel may be produced in accordance with the invention which contains as much as 12% of **water** and which is stable at -20°F (column 2 lines 11-20). A result showed a fuel containing 88% aviation **naphtha** (hydrocarbon), 10% **ethyl alcohol, iso-propyl or methyl alcohol**, and 2% **butyl ether** of ethylene glycol has a **water** tolerance of about 2% at -20°F, whereas a similar fuel containing 4% butyl alcohol has a 1.5% water tolerance at -20°F (column 3 lines 60-72).

Response to Arguments

1. Applicant's arguments filed January 06, 2009 have been fully considered but they are not persuasive. Applicant argued the reference applied under 35 USC 103, CALLIS (US 2,104,021) fails to explicitly or implicitly teach the addition of water to an alcohol-containing synthetic liquid fuel in the quantities. CALLIS discloses an admixture of the **hydrocarbon** and the alcohol which may be facilitated and stabilized by including in the fuel as a stabilizing agent therefore an saturated **aliphatic ether** containing at least five carbon atoms and an ether miscible **monohydric alcohol** having a higher molecular weight than the alcohol admixed with the hydrocarbon. A stabilized fuel may be produced in accordance with the invention which contains as much as 12% of **water** and may function as a corrosion inhibitor and which is stable at -20°F (column 2 lines

11-20). CALLIS discloses the claimed invention in applicant's independent claims 1, 2 and 7.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LATOSHA HINES** whose telephone number is 571-270-5551. The examiner can normally be reached on **Monday thru Thursday** from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LATOSHA HINES/
Examiner, Art Unit 1797

/Cephia D. Toomer/
Primary Examiner, Art Unit 1797